

**City of Eau Claire
Plan Commission Minutes
Meeting of July 5, 2016**

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Brenholt, Pederson, Radabaugh, Seymour, Weld
Ms. Ebert and Ms. Mitchell

Members Absent: Messrs. Granlund, Larsen

Staff Present: Messrs. Tufte, Ivory

The meeting was chaired by Mr. Weld.

1. **REZONING (Z-1580-16) – Amend the Sky Park Covenants and General Development Plan, Sky Park**

Mr. Tufte presented a request to amend the Sky Park protective covenants and general development plan provisions pertaining to building sprinkler systems for fire protection within the industrial park. The request for the amendment was submitted by Advanced Engineering Concepts, 635 Fairfax Street, Eau Claire, Wisconsin. The present language in the protective covenants requires automatic sprinklers or some other automatic fire extinguishing system be reviewed and approved by the City's Fire Prevention Division for all structures in Sky Park. The amendment requires these systems if required by State Building Code.

The Sky Park covenants were adopted in 1984 and were approved as the general development plan zoning provision for Sky Park in 1990. All the buildings within Sky Park have installed automatic sprinkler systems as per the covenant requirement. In 2002, the State Building Code began requiring sprinkler systems depending on the size of the building and the type of use within it. The most recent amendment to the State Building Code sprinkler system requirements pre-empts local regulation from being more restrictive than State Code. The use of the protective covenants as the zoning regulations for Sky Park is thus pre-empted by state law as it pertains to sprinkler systems. The proposed amendment would correct this situation. It was also noted that the Sky Park protective covenants, being private covenant would not be pre-empted by state law. Amendment of this covenant is by majority of the property owners within Sky Park based on parcel size.

Mr. Tufte added that a meeting of the Sky Park property owners was held and three property owners were present. The three present at the meeting were in opposition to the change.

Applicants, Mr. Peter Gartmann and Mr. Sean Bohan, from Advanced Engineering Concepts, spoke in support of the change noting that the change would make the covenants consistent with the State Uniform Building Code. They indicated that the proposed building would be only 3,000 square feet in size and would be an office use with no manufacturing. The cost of installing a sprinkler system would be very high and they could use those funds for building or landscaping improvements.

Mr. Steven Piltz, from Five Star Plastics in Sky Park, spoke in opposition to the change. Mr. Piltz stated that installation of the sprinkler system not only protects the building in question, but also surrounding buildings to the site.

Fire Chief, Lyle Koerner was asked by Commission members about the recommendation of the Fire Department. Chief Koerner indicated that if the change was approved, the Fire Department would enforce the current building codes similar to any other building. If the covenants remained in place, the buildings within Sky Park would be protected to a higher standard, which he would support.

Mr. Radabaugh moved to recommend approval of the rezoning and general development plan to amend the covenants. Seconded by Ms. Ebert and the motion carried.

2. **REZONING (Z-1583-16) – Amendment to Subdivision Code for Conservation Subdivisions**

Mr. Tufte provided an overview of a proposed amendment to the Subdivision Code Standards for "Conservation Subdivisions" within the extraterritorial plat approval jurisdiction to be consistent with recent amendments to the Intergovernmental Agreement with the Towns.

The City Council recently approved an amendment to the Intergovernmental Agreement with the Towns concerning the City's Extraterritorial Plat approval jurisdiction and provisions for "Conservation Subdivisions." These provisions, which were amended in the Town's Agreement, are also codified in the City's Subdivision Code. The proposed amendment to the City's Subdivision Code would provide consistency with the amendment to the Town's Agreement.

The first change within the amendment adds public right-of-way to be considered as part of the 40 percent set-aside requirement. A similar amendment has been approved by Eau Claire County to their code to provide consistency in administering this provision.

The second change as part of the amendment changes the 12 percent slope standard for defining developable land to 20 percent. The 20 percent slope is already codified in Eau Claire County Code, is the common standard used by the City for other development, and is used by the DNR in its sewer service planning.

Mr. Peterson moved to recommend approval of the amendment to the City's Subdivision Code. Seconded by Mr. Brenholt and the motion carried.

3. **CONDITIONAL USE PERMIT (CZ-1613) – Tavern, 1004 Menomonie Street**

Mr. Tufte presented a request for a conditional use permit submitted by Mr. James Rolbiecki to allow a tavern in a C-2P District for property located at 1004 Menomonie Street. Mr. Rolbiecki had received approval of a site plan from the Plan Commission for a restaurant/bar at this location last December. Mr. Tufte reviewed sections of the zoning code definitions relating to restaurants and taverns noting that a conditional use permit is required due to the C-2P zoning of the property if this facility is operated primarily as a tavern.

The applicant's narrative notes the size of the building (particularly the small kitchen) will make it difficult for this building to function primarily as a restaurant. The tavern proposed for the property will still serve food, but the building's primary function will be a tavern. The hours of operation will change to 9 a.m. to midnight closings on Sunday to Wednesday, and 9 a.m. to 2 a.m. closings on Thursday to Saturday. The floor plan, seating capacity and parking requirement for the tavern will remain the same as the plans approved by the Plan Commission for the restaurant.

The conditional use permit required for the tavern in a C-2P District allows the Plan Commission to judge the compatibility of this request with surrounding land uses and considers the General Provisions of Section 18.35.040 of the Zoning Code in making this determination.

It was noted that the primary change in this request are the hours of operation for a tavern. The site is mainly in a commercial area with a residence across the street to the east. The Landmarks Commission has reviewed the request and supports the change. The request was also reviewed by the Randall Park Neighborhood Association and they support the request.

Mr. Tufte reviewed the Plan Commission's approval of the original site plan for this project and the conditions of approval for that site plan. These conditions will remain applicable for this project with the change proposed with this request. It was also noted that the City Council had approved the parking agreement for this project that provides 20 of the 23 parking stalls required for this project. Staff would work with the applicant on a revised site plan to provide three additional parking stalls for this project.

Applicant, James Rolbiecki, indicated his support for the conditional use permit.

Deputy Police Chief, Chad Hoyord indicated that the Police Department was in opposition to granting the conditional use permit. Deputy Chief Hoyord stated that the density of taverns in this area is already too high and they have concerns about adequate police coverage of the area from the 400 block of Water Street to the 1,000 block of Menomonie Street. A tavern at this location would spread their services and potentially negatively impact the neighborhood in this area. He noted that the Police Department is trying to change the culture of alcohol consumption in the community and another tavern in this area is not appropriate.

Ms. Lieske Giese, Director of the City-County Health Department, spoke in opposition to the conditional use permit. Ms. Giese stated that the City needs to limit the density of taverns in the City as greater density promotes greater alcohol consumption and associated problems.

The Commission discussed the conditional use permit. Ms. Mitchell stated that she was surprised by the support of the neighborhood association and felt that the addition of an additional tavern in this portion of the neighborhood was not appropriate based on the concentration of taverns along Water Street and the impacts on the neighborhood. Craig Brenholt noted his concern with the proximity of the proposed tavern to the future UWEC event center. Jenny Ebert stated that she felt that the proposed tavern would not be in close

proximity to the concentration of taverns in the 400 block of Water Street and it would serve a different population group. Terry Weld noted that he felt that a combination restaurant/tavern as originally approved was more appropriate.

Ms. Ebert moved to approve the conditional use permit with staff conditions. Mr. Radabaugh seconded. The motion failed with Ms. Ebert and Messrs. Radabaugh and Peterson voting in favor and Ms. Mitchell and Messrs. Brenholt, Seymour, and Weld voting against.

4. **Site Plan (SP-1621 Amd) – One 4-unit and One 6-unit Apartment Building, 300 Block of Chippewa Street**

Mr. Tuft presented a request to approve an amendment to site plan SP-1621 located at the northwest corner of Third Avenue and Chippewa Street for a 4-plex and a 6-plex. The original site plan was approved by the Plan Commission on June 6, 2016. The Plan Commission approved this site plan for this project adding the condition "provide 6 copies of a revised site plan with no reduction for the bike parking allowed." Applicant has submitted the revised site plan which reduces the parking requirement for the project by five stalls. The revised site plan has the same sized buildings, but Building A at the corner of Chippewa Street and Third Avenue is a 6-plex instead of the approved 4-plex and therefore requires Plan Commission review under the provisions of City Code.

Building A was originally approved as a 4-plex with two 6-bedroom rooming houses and two 2-bedroom units. Building A is shown on the revised site plan as four 2-bedroom units and two 3-bedroom units. The revision results in two fewer bedrooms in the building and a parking requirement of five less stalls. The building is the same size as the original site plan with added doors to the Third Avenue and Chippewa Street facades for entry into the 6-plex. The revision removes the two rooming houses from the project and adds two and three-bedroom units.

Ms. Melissa Huggins, speaking on behalf of the applicant, spoke in favor of the amended site plan. She discussed the proposed changes noting that the mix of dwelling units may encourage some young professionals to move into the building.

Mr. Peterson moved to approve the amended site plan with staff conditions. Ms. Mitchell seconded and the motion carried with Mr. Seymour voting no.

5. **DISCUSSION/DIRECTION**

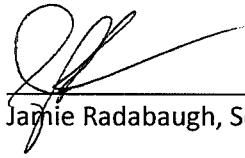
A. Code Compliance Items
None.

B. Future Agenda Items
None.

C. Additions or Corrections to Minutes
None.

6. **MINUTES**

The minutes of the meeting of June 20, 2016 were approved.

A handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line.

Jamie Radabaugh, Secretary